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97-182

ROD GRAMS  
MINNESOTA

COMMITTEES:

BANKING, HOUSING, AND URBAN AFFAIRS

ENERGY AND NATURAL RESOURCES

FOREIGN RELATIONS

JOINT ECONOMIC

BUDGET

United States Senate

WASHINGTON, DC 20510-2304

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October 31, 1997

Ms. Judith L. Harris  
Director, Office of Legislative and Intergovernmental Affairs  
Federal Communications Commission  
Room 808  
1919 M Street NW  
Washington, DC 20554

RECEIVED

JAN 28 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Harris:

I have enclosed for your consideration a copy of a letter from Minnesota constituents. I would appreciate it if you would look into their concerns and respond directly to the constituents as soon as you are able. Please inform me of your response.

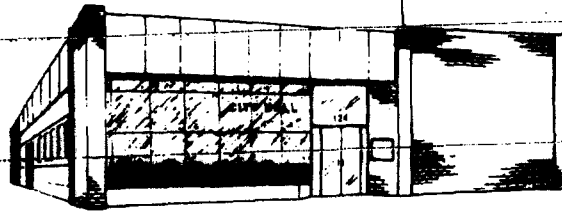
Your efforts in regard to this matter are greatly appreciated. Thank you for respecting my request.

Sincerely,



Rod Grams  
United States Senator

# CITY OF CROOKSTON



City Administrator  
218-281-1232

City Clerk  
218-281-4503

124 North Broadway, Crookston, Minnesota 56716

October 21, 1997

FAX 218-281-5609

Senator Rod Grams  
261 Dirksen Senate Ofc Bldg  
Washington DC, 20510

Dear Senator Grams,

Enclosed, please find an article from the *League of Minnesota Cities Bulletin* concerning the Federal Communications Commission and their ability to override what has traditionally been local government's right to zone for location of communications towers.

It seems that this decision by the FCC completely ignores the right and responsibility of cities and other forms of local government to manage their own affairs. What is worse, is that we can arbitrarily be dictated to as to where and when these towers can be constructed. It will not matter what our long range plans are or how we are preparing to survive in the future, they can decide to do whatever they want to, irrespective of what kind of damage it does locally. It seems mind boggling to me that they could site these towers in historic areas without concern for what kind of impact this could have. Hypothetically, they could site a tower in the Gettysburg Battle Field. There seems to be no thought for the citizens, only efforts on behalf of the technical electronic industry, with no regard to the outcome of the everyday lives of the citizens who must live with this situation. I hope that you and the rest of the Minnesota Legislative Contingent will look into this. Please review this situation for yourself and consider its impact on local governments all over the country.

Now that I have unloaded my thoughts to you concerning this matter, I would like to tell you again how much we here in Crookston appreciated your support during and after the spring flood situation. Without your help we would be in deep trouble. I thank you on behalf of our citizens, you mean a great deal to this community.

Sincerely,

Raymond E. Ecklund  
City Administrator



# Winona County

## Board of Commissioners

### Providing Effective Efficient Government

171 West Third Street, Winona, Minnesota 55987

Phone (507) 457-6460

Fax (507) 457-6469

October 23, 1997

Office of the Secretary  
Federal Communications Commission  
Washington D.C. 20554

Dear Mr. Secretary:

The Winona County Board of Commissioners is responding to your Request for Comments regarding the proposed rule making to consider whether and in what circumstances to preempt certain state and local land use ordinances which present an obstacle to the rapid implementation of the Digital Television (DTV) service. Winona County is soundly opposed to the rule making for three primary reasons: First, the proposed time frames are totally unrealistic, second, this rule making essentially preempts our local zoning ordinances, and third, this whole concept runs counter to the principle of the federal system of government which places zoning firmly in the purview of local government.

The time frames you address in the MM Docket No. 97-182 are totally unrealistic and clearly untenable. The requirement for local action within 21 days for the modification of existing facilities, 30 days for relocating existing facilities, and 45 days for all other actions is naive at best. We believe this action is certainly undemocratic since it denies local residents the right of due process. Issues such as feedlot permits, conditional use permits, and local variances often take months to process. The reason for such long lead time is to allow all concerned citizens the opportunity to be heard. This process also permits local governmental authorities the opportunity to carefully consider all of the problems and possible outcomes. There is no question that the wait is frustrating, but the benefits most often offset the negatives. The thoughtful and time-honored tradition of fact finding and deliberation results in the minimization of errors. Environmental concerns, property rights, aesthetics, and people's health and welfare are all vitally important aspects of these decisions. Shortening time frames and eliminating local control of these and other factors is not only unfair to local citizens it is simply wrong.

Although Winona County does not currently have any DTV antennas in our jurisdiction, the proposed rule making would substantially preempt our current zoning ordinances. The citizens of Winona County have the right to expect their local officials to safeguard their interests through zoning ordinances and the conditional use permitting process. Stripping this authority from the local officials and subverting their rights to those of the television industry are not acceptable. Any measure which categorically preempts regulations based on local environmental or health effects from these proposed towers strips away local authority and is a real concern. Issues such as these need to be adequately addressed at the local level with equal consideration for local residents.

Finally, the federal system of government was established to allow local government to address local concerns and the federal government to address national concerns. Zoning has always been considered a responsibility of the local government—not the national. Who better understands and listens to the interests of the local citizens—the local

### County Board of Commissioners

First District  
Duane M. Bell

Second District  
Donald O. Peterson

Third District  
Anthony G. Heim

Fourth District  
Stephen J. Delano

Fifth District  
Judy A. Gilow

leadership or bureaucrats in Washington. Preempting all state and local land use and building laws subverts the core of local authority. Whether a DTV tower should or should not be erected, moved, or modified has been and should remain at the discretion of the local governmental officials, who have their ears attuned to the needs and requirements of the citizens.

Your proposed rule making undercuts the rights of Winona County citizens. As Commissioners, duty demands that we serve the interests of these local citizens, we unequivocally oppose this proposed rule making and encourage you to reverse down this clear violation of local citizen's rights as you make your decision. Keeping control of zoning and land use at the local level, where it belongs, may slow the creation of DTV towers, but, in the long run, the towers will be in the "right" location and you will have citizen support—not defiance.

For Winona County Board of Commissioners:

  
Stephen J. Delano

CC: U.S. Senator Paul D. Wellstone  
U.S. Senator Rod Grams  
U.S. Representative Gil Gutknecht  
Minnesota Senator Steve Morse  
Minnesota Representative Michelle Rifenberg  
Minnesota Representative Gene Pelowski  
National Association of Counties (Bob Fogel)